

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

*County of Lake, Ohio v. Purdue Pharma,
L.P., et al.*, Case No. 18-op-45032 (N.D.
Ohio)

*County of Trumbull, Ohio v. Purdue
Pharma, L.P., et al.*, Case No. 18-op-
45079 (N.D. Ohio)

“Track 3 Cases”

MDL No. 2084

Case No. 17-md-2804

Judge Dan Aaron Polster

THE TRACK THREE PARTIES’ STIPULATION REGARDING TRIAL EXHIBITS

Plaintiffs Lake and Trumbull Counties and Defendants CVS, Walgreens, and Walmart (collectively, the “Parties”) hereby submit this stipulation regarding the exhibits admitted at the Track Three liability- and abatement-phase trials.

LIABILITY-PHASE TRIAL EXHIBITS

During the liability-phase trial, the Court addressed the admission of exhibits on a rolling basis and periodically uploaded exhibits to the public docket on Pacer. Even after some exhibits were provisionally admitted, there were redactions or other issues that needed to be worked out between the Parties before the exhibits were finally admitted. At the conclusion of the presentation of evidence, the Court directed the Parties to submit flash drives with the final versions of the admitted exhibits that were to be submitted to the jury. Doc. 4140 at 7027-28. The Parties submitted flash drives with the exhibits to the Court on November 15, 2021, Doc. 4153 at 7046-48, and those exhibits were provided to the jury. The Court, however, did not upload to the public

docket either in a single docket entry or in consecutive docket entries the exhibits on the flash drives.

Having carefully reviewed the exhibits that were uploaded to the docket and the exhibits that were on the flash drives that were provided to the jury, the Parties hereby stipulate as follows:

1. The exhibits in **Table 1** below are on the docket but were not admitted by the Court and were not on the flash drives that were provided to the jury. These exhibits should be removed from the docket.

Table 1: Exhibits Not Admitted But on the Docket

Exhibit No.	Docket No.
P-00528	Dkt. 4074-1
P-10101	Dkt. 4104-20
P-10121	Dkt. 4104-21
P-10144	Dkt. 4104-22
P-10179	Dkt. 4104-23
P-10180	Dkt. 4104-24
P-10198	Dkt. 4104-25
P-10243	Dkt. 4104-26
P-10245	Dkt. 4104-37
P-10262	Dkt. 4104-27
P-10290	Dkt. 4104-28
P-10297	Dkt. 4104-29
P-10299	Dkt. 4104-30
P-20654	Dkt. 4074-11

2. The exhibits in **Table 2** below were admitted by the Court and were on the flash drives that were provided to the jury, but they are not on the docket. The versions of these exhibits that are on the flash drives should be uploaded to the docket.

Table 2: Admitted Exhibits Not on the Docket

Exhibit No.
CVS-MDL-03795
CVS-MDL-04313a
CVS-MDL-04954
P-08166_20211110_Redacted
P-17527_00001_20211109_Redacted
P-17572_Excerpt
P-20889_00001
P-21391_00001
P-26767-A_00001
WAG-MDL-01110A
WMT-MDL-01540A
WMT-MDL-01541A
WMT-MDL-01549
WAG-MDL-02561
WAG-MDL-02562
WAG-MDL-02629
WAG-MDL-02630

3. The exhibits in **Table 3** below were admitted by the Court but do not contain the redactions agreed to by the Parties. These exhibits should be removed from the docket. Other versions of these exhibits with the agreed-to redactions are on the docket.

Table 3: Exhibits with Missing Redactions

Exhibit No.	Docket No.
P-08954_20211112 Redacted_Redacted	Dkt. 3999-7
P-08955_20211112 Redacted_Redacted	Dkt. 3999-6
P-10213_20211112 Redacted_Redacted	Dkt. 3999-4
P-10214_20211112 Redacted_Redacted	Dkt. 3999-3

4. The exhibits in **Table 4** below were admitted by the Court but are missing pages, are cropped, or have other formatting issues as described below. The versions of these exhibits that are on the flash drives that were provided to the jury should be uploaded to the docket.

Table 4: Exhibits with Image Issues

Exhibit No.	Docket No.	Issues
DEF-MDL-01472	Dkt. 4113-2	Exhibit number and title of document are not visible.
DEF-MDL-01473	Dkt. 4113-3	Exhibit number is not visible.
DEF-MDL-01487	Dkt. 4029-7	Title of document is not visible.
P-06612_20211109 Corrected	Dkt. 4104-8	Missing attachment.
P-26321-A	Dkt. 4036-3	Includes pages that were not admitted.
WMT-MDL-01343_241	Dkt. 4029-32	Missing second page.
WAG-MDL-01061	Dkt. 4128-57	Pages are cropped.

5. The exhibits in **Table 5** below are misnamed on the docket. The names of these exhibits should be corrected on the docket.

Table 5: Misnamed Exhibits

Exhibit No.	Docket No.	Issues
CVS-MDL-02487	Dkt. 4029-1	Misnumbered as 2847
CVS-MDL-03896a	Dkt. 4169-4	Misnumbered as 3896
CVS-MDL-04313b	Dkt. 4169-6	Misnumbered as 4311b
P-08068_20211109_Redacted	Dkt. 4055-28	Number not listed in docket text.
P-14645_00001	Dkt. 4128-48	Misnumbered as 14545.

6. The Parties consent to the Court uploading to the docket in a single docket entry or in consecutive docket entries the final versions of the admitted exhibits that were on the flash drives (*see* Doc. 4153 at 7046-48), consistent with how the Court handled admitted exhibits at the conclusion of the abatement-phase trial. *See* Docs. 4592, 4593.

ABATEMENT-PHASE TRIAL EXHIBITS

During the abatement-phase trial, the Court addressed the admission of exhibits on a rolling basis but, as noted above, the Court uploaded to the docket the final versions of the admitted exhibits that were submitted by the Parties on flash drives at the conclusion of the trial. Having carefully reviewed the abatement-phase exhibits on the docket, the Parties stipulate as follows:

1. CVS-MDL-05019 is misnamed on the docket as CVS-MDL-05109. *See* Doc. 4593-6. The name of this exhibit should be corrected on the docket.

Should the Court or its staff have any questions about this stipulation or require the Parties' assistance with respect to any aspect of this stipulation, the following attorneys for the Parties should be contacted:

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The Parties thank the Court and its staff for their assistance and cooperation with the matters addressed in this stipulation.

Dated: November 1, 2022

Respectfully submitted,

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